



JPW

Docket No. 0687/55096-AA/JPW/GJG/DNS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Simon P. Robinson
U.S. Serial No.: 10/619,646 Examiner: S. Chunduru
Filed : July 15, 2003 Group Art Unit: 1637
For : POLYPHENOL OXIDASE GENES FROM LETTUCE,
BANANA, TOBACCO AND PINEAPPLE

1185 Avenue of the Americas
New York, New York 10036
May 16, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**COMMUNICATION CONFIRMING THAT
MARCH 16, 2006 OFFICE ACTION IS BEING VACATED**

This Communication is submitted to confirm a May 16, 2006 telephone conference between Examiner Suryaprabha Chunduru of the United States Patent and Trademark Office and the undersigned in which Examiner Chunduru advised that the Office Action issued March 16, 2006 in the above-identified application has been vacated and that a new Office Action will issue shortly.

Specifically, although the March 16, 2006 Office Action contained a restriction requirement among claims 1-34, claims 1-34 were canceled in a Preliminary Amendment filed July 15, 2003 in connection with the above-identified application. Thus, it is not possible to reply to the March 16, 2006 Office Action on the merits. In addition, the July 15, 2003 Preliminary Amendment added new claims which were numbered as 34-55 but should be numbered 35-56. The Examiner kindly agreed to renumber the claims prior to next action. A copy of the July 15, 2003 Preliminary Amendment is attached as **Exhibit A**.

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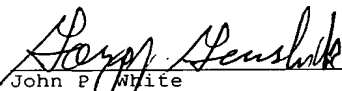
Based on the May 16, 2006 telephone conference, applicant is taking no action with respect to the March 16, 2006 Office Action.

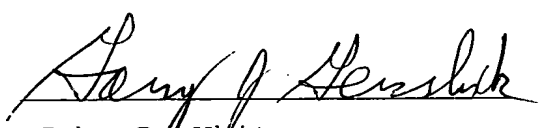
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

 5/16/06
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